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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,636	09/28/2006	Yoshiharu Ohta	2691-000051/US	3366
30/593 7590 05/06/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
MARCHESCHI, MICHAEL A				
ART UNIT		PAPER NUMBER		
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05/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20090505

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**Commissioner for Patents**

The reply brief filed April 24, 2009, has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal. As further comments, it is to be noted that appellants appear to be arguing limitations from the specification, however, limitation from the specification can not be imported into the claims. Furthermore, appellants appear to be arguing that both Chu and Takashina teach colloidal silica. Although they teach that the abrasive can be colloidal silica, they also teach that the abrasive can be fumed silica (see examiners answer which clearly addresses this). Appellants also argue the preferred embodiments of Chu, however, as is well known, a reference is not only limited to its preferred embodiments. Finally, appellants argue that the references fail to teach the claimed distribution. This argument is noted, however, the examiners answer clearly defines reasons why the references teach the distribution, as broadly claimed.

/Michael A Marcheschi/  
Primary Examiner, Art Unit  
1793